

9 DECEMBER 1946

I N D E X
of
WITNESSES

Prosecution's Witnesses

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I N D E X
of
EXHIBITS
(none)

1 Monday, 9 December, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 The Accused:

17 All present except OKAWA, Shumei, who is
18 represented by his counsel.

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20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr.
5 President, with the Tribunal's permission I present
6 the following language correction: Exhibit 1291,
7 record page 11,696, line 4, substitute "the three
8 countries, Japan, Manchukuo, and China," for, "Manchukuo
9 and China with Japan."

10 THE PRESIDENT: Mr. Logan.

11 - - - -

12 K L A A S A. D E W E E R D, called as a witness
13 on behalf of the prosecution, resumed the stand
14 and testified through Dutch interpreters as follows:

15 CROSS-EXAMINATION

16 BY MR. LOGAN (Continued):

17 MR. LOGAN: If the Tribunal please.

18 Q Major, did the Japanese endeavor to restore
19 law and order as quickly as possible after the
20 occupation was completed?

21 A Yes, they did.

22 Q And did the Dutch Government fail or was it
23 unable to operate because of the military operations
24 or the occupation?

25 A The Dutch Government personnel was interned

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1 and was, therefore, not in a position to carry on the
2 administration.

3 Q Were there any acts of the Dutch or the
4 Indonesians which required the suspension of the
5 Dutch laws and the promulgation of new ones by the
6 Japanese?

7 A It is not clear to me what laws are being
8 referred to by you.

9 Q Well, I understand, Major, from your state-
10 ment, you say that the Japanese introduced their
11 own laws after the Occupation was completed and
12 suspended the Dutch laws, isn't that correct?

13 A That is correct.

14 Q Now, do you know of any acts of the Dutch
15 or Indonesians which required the suspension of the
16 Dutch laws and the promulgation of new ones by the
17 Japanese?

18 A I have not heard of such acts.

19 Q After the Japanese set up the new law courts,
20 did the Dutch and the Indonesians have access to them
21 to enforce their own rights?

22 A These law courts served a dual purpose. They,
23 in the first place, tried criminal cases. In the
24 second place, they heard civil cases. As for the
25 second category, the civil cases, every inhabitant in

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24 second place, they heard civil cases. As for the
25 second category, the civil cases, every inhabitant in

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Java could bring suit in these law courts.

1 Q That is where it was under Japanese control,
2 is that correct?

3 A That is correct.

4 Q Now, in your affidavit you talk about the
5 Japanese controlling the finances, radio, newspapers,
6 moving pictures and so forth. Now, isn't it a fact
7 that prior to the Occupation the Dutch, as distinguished
8 from the Indonesians, controlled all the industries of
9 the country including public utilities, financial
10 institutions, radios, newspapers, schools and various
11 associations?
12

13 A We have to distinguish between two different
14 categories there. In the first place, there were
15 State Government-operated enterprises; and, second
16 category, were the private concerns. For the first
17 category, the State-operated enterprises, they
18 naturally were controlled by bodies, by government
19 bodies; but these in turn were bound by certain regu-
20 lations laid down by representative bodies --
21 representative councils. The second category falls
22 in the largely Western -- the private concerns were
23 in the largely Western, but Indonesian and Chinese
24 capital played a big part. Moreover, these private
25 concerns were naturally subject to government laws

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1 which again were laid down by representative bodies.

2 Q Didn't the Japanese use the transportation
3 system for transportation of their soldiers and
4 material and supplies?

5 A That is correct.

6 Q Would you say it was necessary that Japan
7 control the public utilities in order to carry out
8 the invasion?

9 MR. HYDE: Mr. President, I submit that
10 that question invades the province of the Court.

11 THE PRESIDENT: I take it you mean to
12 object. Objection allowed.

13 Q Japan, however, did set up a form of govern-
14 ment after the occupation which was conducive to
15 law and order, did it not?

16 MR. HYDE: Mr. President, I object to that
17 question for the same reason.

18 THE PRESIDENT: You can get the contents of
19 the plan, that is all.

20 Q Was law and order restored under the form
21 of government set up by the Japanese?

22 A Yes.

23 Q Major, on page 16 of your affidavit you refer
24 to some secret ordinances promulgated by the Japanese.
25 Could you tell us what they were? About the ninth

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1 line from the bottom of that page.

2 A I cannot say what these secret ordinances
3 were, because at the time I left Java the scanning
4 of the "Osamu Kampo," the Japanese Government Gazette,
5 had not progressed to a point where results could be
6 ascertained.

7 Q Page 17 of your affidavit you state that
8 the object of the Japanese was to set up a form of
9 government similar to Formosa and Korea. Now, can
10 you tell me from what documents you received that
11 information?

12 A As mentioned in these lines in this para-
13 graph -- in the same paragraph -- this information
14 was gleaned from Japanese authorities who publicly
15 expressed themselves to this effect and whose
16 utterances were published in papers.

17 Q Do you have any of those papers with you
18 or documents which would show that?

19 A I carry with me translations as made from
20 newspapers at that time and I could look up the
21 passages concerned but this would take some time.

22 Q In any event, you know of no document that
23 came from Tokyo containing such statements, is that
24 it?

25 A The only documents I have seen -- the only

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1 document I have seen that concerns -- that refers
2 to these matters is those documents which have been
3 introduced and presented to this Court during the
4 Dutch phase.

5 Q Of the 20,676 Dutch males who were interned,
6 do you know how many of these held positions in the
7 government and key positions in the leading commercial
8 enterprises?

9 A That question is difficult to answer. In
10 1938, 17,000 Occidentals were employed by the government
11 -- were in government service; but among those
12 17,000 there were those who are Occidentals but who
13 were born in the Islands. I find it, therefore,
14 impossible to say what the proportions were of leading
15 and not leading government officials interned.

16 Q Would you say that those who were not government
17 officials held key positions in leading commercial
18 enterprises?

19 A I could not agree to this conclusion.

20 Q Would you say that among these Dutch who
21 were interned there were some spies and possible
22 saboteurs?

23 A I find that point very difficult to answer.
24 It is not known to me that there was any potential
25 saboteur or spy among these interned personnel.

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1 Q And the women and children who were interned,
2 were they the families of the males,

3 A That is correct.

4 Q And were they interned for their own safety?

5 A That is a reason which the Japanese occa-
6 sionally gave, but during the period of their intern-
7 ment there has been no reason to believe that they
8 were in any way threatened by the native population.

9 Q Or the Japanese?

10 A I can't understand that question.

11 Q You say you have no reason to believe
12 that they were threatened by the native population.
13 I want to know if there was any threatening by the
14 Japanese to these women and children?

15 A If I understand this question well I have
16 to assume that the Japanese safeguarded these women
17 and children against their own potential threat --
18 against potential threat from their own side.
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1 THE PRESIDENT: Were those women and chil-
2 dren in any danger before the Japanese invasion?

3 THE WITNESS: In no way were they in any
4 danger at all.

5 Q Did the Japanese have Indonesian judges?

6 A I have explained this in my statement. The
7 higher courts were in the beginning, initially
8 staffed by Japanese personnel, while the lower
9 courts were or rather remained staffed by Indonesian
10 personnel.

11 Q Did they have Indonesian judges prior to the
12 Occupation?

13 A Yes, they were in the higher as well as in
14 the lower courts.

15 Q The other day you were talking about these
16 peoples councils. I believe in your statement you
17 say that they were established on a democratic basis.
18 Isn't it true, Major, that each council had 61 members,
19 that the president was of Dutch extraction, and 30
20 members were Dutch, 30 of them were Indonesian, of
21 whom 20 were elected and 10 appointed by the Dutch?

22 A The peoples council did consist of 61 mem-
23 bers. It is also true that the chairman, the
24 president, was of Dutch extraction, but there were
25 three deputy chairmen, of whom two were Indonesian.

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1 The remainder was made up of 30 Indonesians, 25
2 Dutch, and 5 Chinese or other Asiatics, non-Indo-
3 nesian Asiatics. I am not certain of the proportion
4 between elected and appointed Indonesian members,
5 but I do think that two-thirds were elected and
6 one-third was appointed. This is true for all sec-
7 tions of the native population.

8 Q And that one-third that were appointed,
9 were they appointed by the Dutch?

10 A The one-third was appointed by the Nether-
11 lands East Indies Government, in which the Indonesians
12 were represented as well as the Dutch.

13 Q So that the Dutch always had control of
14 these peoples councils; isn't that so?

15 A The Dutch definitely had not the final word
16 in these gatherings.

17 Q In your affidavit you state that after the
18 Occupation all the key positions were occupied by
19 the Japanese. Isn't it a fact that under the Japanese
20 rule more of the minor officials in the government
21 were Indonesians than under the Dutch rule, particu-
22 larly with reference to mayors of towns and cities?

23 A That is correct, but this statement has to
24 be qualified. The Japanese abolished the system of
25 municipalities such as had been in force so far.

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1 Before the Japanese Occupation there was a division
2 of administrative powers. Dutch communities were
3 organized and municipalities along Dutch lines, but
4 outside these the Indonesians lived under their own
5 system.

6 DUTCH MONITOR: Next to the Dutch organized
7 villages there were native organized villages. The
8 two were side by side.

9 A (Continuing) The Japanese authorities
10 abolished this division, and they introduced a uni-
11 form unit of administration.

12 DUTCH MONITOR: For all villages, single,
13 uniform organization for all villages.

14 A (Continuing) It will be more correct to say
15 towns instead of villages in this connection. In the
16 main cities and the principal towns the Japanese
17 appointed Japanese chiefs of these units, of these
18 municipalities, while in the smaller villages, towns
19 and villages, the Indonesian chiefs were appointed
20 heads. Those were the Indonesian persons who before
21 then had been chiefs of their own organizations or
22 units.

23 Q Now, during the existence of the Dutch rule
24 of the Netherlands East Indies from time to time there
25 had been independence movements; isn't that so?

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22 units.

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24 of the Netherlands East Indies from time to time there
25 had been independent movements; isn't that so?

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1 A There had been before the Occupation by
2 the Japanese parties -- political parties -- Indo-
3 nesian political parties who aimed at independence,
4 potential independence.

5 Q Now, in your statement you say that the
6 Japanese banned expressions of democracy and pro-
7 Occidental sympathies. Is it true that under the
8 Dutch rule reference to independence in Indonesia
9 was regarded as treasonable?

10 A That is not correct in any sense. Firstly,
11 each member of the peoples' council had the right to
12 speak on any subject in any way, and he could not
13 be punished for that. Furthermore, there were
14 several political parties who in their program had
15 adopted as the final objective independence.

16 DUTCH MONITOR: Eventual independence.

17 Q Wasn't the use of the word "merdeka," which
18 means independence, banned by the Dutch, Major?

19 A I have never heard of that.

20 Q Is it a fact that the Governor-General
21 had extraordinary powers under the Dutch regime?

22 THE PRESIDENT: How is that relevant to any
23 issue, Mr. Logan? Suppose it were a dictatorship?
24 We are not concerned with the politics of the
25 Netherlands prior to the invasion.

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1 MR. LOGAN: Maybe so, your Honor.

2 Q The food that the Japanese obtained was used
3 for the Army of occupation; is that so?

4 A From the initial stages of the occupation
5 onward the Japanese have tried, attempted to lay up
6 stocks of foodstuff. So far as I have been able to
7 trace, their object in so doing was, firstly, to
8 supply their own troops stationed in the islands,
9 in Java; secondly, to supply troops fighting else-
10 where, for instance in the East. Finally, these
11 stocks were necessary to supply Java itself.

12 Q Now, in view of your statement that Java
13 before the war had barely enough for their own people,
14 was it not necessary that the Japanese try to increase
15 the farming products because the imports were shut off?

16 MR. HYDE: Mr. President, I object to that
17 question on the ground that it calls for a conclusion.
18 Improper.

19 THE PRESIDENT: That is an over-refinement.
20 I think he ought to be able to answer whether the
21 Japanese had to grow more food because food imports
22 were prevented by the state of the war.

23 A In view of the fact that Java prewar was
24 barely able to support herself, it would not have
25 been necessary to step up the food production if new

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1 conditions had not called for that. New conditions
2 were of a dual nature. Firstly, there was the
3 presence of an Occupation -- the Japanese Occupation
4 Army of roughly 50,000, augmented by the demands in
5 connection with the necessary supply of troops else-
6 where, which I referred to. The third factor was
7 that under Japanese poor management food products
8 had shown a tendency to decrease.

9 Q You also talked about the reorganization of
10 vocational schools by the Japanese. Is it true
11 that in addition to the former vocations taught that
12 the Japanese also introduced schools of fishery,
13 shipbuilding, and general seamanship?

14 A After the Japanese in the first stages of
15 the Occupation had abolished all schools where
16 fishery and seamanship were taught, and in the late
17 stages when they realized the necessity for such
18 schools they reopened them again. As for ship-
19 building before the Occupation shipbuilding was not
20 a major industry.

21
22 DUTCH MONITOR: The construction of wooden
23 ships was of no great importance.

24 A (Continuing) After the Occupation the use
25 of wooden ships was of great importance to Japanese
for transportation amongst their various holdings,

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1 and, therefore, the Japanese opened up wooden
2 shipbuilding yards -- schools.
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1 Q On page 18 of your affidavit, you state that
2 the military administration operated pursuant to
3 both orders issued through the ordinary channels of
4 command and issued directly through the Ministry of
5 War. Do you have any documents coming through the
6 Ministry of War which have not been introduced in
7 evidence in this phase of the case?

8 A As a matter of fact, I have seen more docu-
9 ments in this connection than have been introduced to
10 this Court.

11 MR. LOGAN: What was that? What did he say?

12 THE PRESIDENT: He has more documents than
13 were tendered.

14 DUTCH INTERPRETER: I have seen more docu-
15 ments than were tendered.

16 Q But all the important, what you consider the
17 important ones, have already been introduced in evi-
18 dence, is that it?

19 A That would be correct.

20 Q On page 44 of your affidavit, you speak
21 about these atrocities to 1200 Indonesians and
22 Chinese. You relied on some reports, I suppose, with
23 respect to that? You didn't see those atrocities
24 personally, did you?

25 A I have, as a matter of fact, not witnessed

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1 these atrocities, but I have learned of these
2 atrocities from hundreds of reports, from news items
3 carried by the Japanese local paper and from eye-
4 witnesses to these atrocities.

5 THE PRESIDENT: Did you ever hear any
6 denial or contradiction?

7 THE WITNESS: On the contrary, I have seen
8 sworn statements, confessions, by the Japanese who
9 were chiefly responsible for these atrocities.

10 Q Was this Army which committed these atroci-
11 ties the same Army that was used later by the British
12 and Dutch when they came back into the East Nether-
13 lands Indies -- Netherlands East Indies?

14 THE PRESIDENT: That assumes a fact or begs
15 the question. Put it whichever way you like, Mr.
16 Logan.

17 Q Well, is it a fact that this Army was so
18 used?

19 THE PRESIDENT: Did the British or the
20 Dutch use any Japanese Army, to your knowledge?

21 THE WITNESS: During a period starting at
22 the end of August and lasting for a number of months
23 when there were insufficient Allied troops available
24 to maintain law and order in Java and other territo-
25 ries, the maintenance of law and order was, under the

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25 ries, the maintenance of law and order was, under the

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1 terms of the surrender, made a Japanese responsibility.

2 Q Are you finished?

3 A Yes, finished. I'd like to tell this
4 further about the atrocities at Pontianak.
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1 Q I am not interested in that, Major, I
2 just wanted to know if you had seen those atrocities.
3 That is the only question I asked.

4 On page 56 of your affidavit you say that these
5 committee members, of the committee for preparation
6 for independence, received instructions from the
7 military or naval authorities. Do you have any
8 evidence of that?

9 A I have introduced this passage on the score
10 of the fact that I read diaries, one diary having
11 been written by a member of the committee. This
12 member -- committee member -- states in his diary
13 that -- that this member who was a delegate from
14 Sumatra, states in his diary that he reported at
15 Fort de Kock in Sumatra and there received instruc-
16 tions from the Japanese chief civil administration.

17 Q What instructions did he --

18 DUTCH INTERPRETER: He has not finished yet.

19 MR. LOGAN: I am sorry.

20 A Similar passages I have seen in a diary
21 written by the delegate for the Celebes.

22 DUTCH MONITOR: From Macassar, Celebes.

23 Q What instructions did they receive?

24 A These instructions are not quoted in the
25 diaries.

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1 Q You say that on August 15 members of this
2 committee were secretly informed of Japan's capitu-
3 lation. What means of communication were used to
4 secretly inform them?

5 A On the 15th of August the Somubuchi informed
6 committee members of the surrender of the Japanese
7 Government.

8 DUTCH MONITOR: The most important com-
9 mittee members.

10 A The leading committee members were inform-
11 ed by the Somubuchi of Japan's surrender, but they
12 were not permitted to further broadcast this infor-
13 mation they had received.

14 Q Isn't it a fact that the news of surrender
15 was broadcast over the radio?

16 A In Java this news was not broadcast over the
17 radio before the 21st of August, and as far as the
18 receivers were concerned they had been sealed and
19 therefore could not be used to receive broadcasts
20 from abroad.

21 Q But nevertheless some people did use their
22 radios surreptitiously and ascertained the news.
23 Isn't that so?

24 A That is very true, but because the Kempei
25 searched very carefully for various receiving sets,

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1 it was very dangerous to broadcast any news, to talk
2 about any news, and was impossible -- as a result,
3 all sorts of wild rumors came into circulation and
4 nobody was certain of his sources.

5 DUTCH MONITOR: Rumors went into circula-
6 tion because nobody could trust in their sources of
7 information.

8 THE PRESIDENT: We will recess for fifteen
9 minutes for the purpose of enabling the interpreters
10 to rest.

11 (Whereupon, at 1045, a recess was
12 taken until 1100, after which the pro-
13 ceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: May it please the Tribunal.

5 BY MR. LOGAN (Continued):

6 Q Isn't it a fact, Major, that Soomubutyoo also
7 were not quite sure whether the surrender had been
8 made on August 15th?

9 A I don't understand this question. Will you
10 put it again, please?

11 Q Isn't it a fact that the radio reception of
12 the surrender was not quite clear to the people in the
13 Netherlands East Indies because of static, and it was
14 not properly understood on August 15, 1945?

15 A I presume you are referring to a broadcast
16 from Tokyo.

17 Q That is right.

18 A I have never read that this broadcast should
19 not have been received properly by Japanese authorities
20 in Java.

21 THE MONITOR: Japanese military authorities.

22 Q Now, in the early morning of August 16, at
23 5 a.m., is it a fact that the Bemoeda, that is, the
24 National Youth Movement, kidnapped Sukarna and Hatta
25 for the purpose of getting them to take immediate steps

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1 to declare independence?

2 A That is right, but this Bemoeda organization
3 was entirely under Japanese control.

4 Q Well, in any event, when the Bemoeda kid-
5 napped Sukarna and talked with them they said that
6 they would take immediate steps to declare independence,
7 didn't they?

8 A That is correct, according to what Sukarna
9 stated during that nightly session.

10 Q And isn't it a fact that on the evening of
11 the 16th they went to Admiral MAEDA's home and he was
12 sympathetic to the independence declaration, could do
13 nothing about it, but he agreed to act as liaison
14 officer between the Indonesians and the Japanese mil-
15 itary government?

16 A As a matter of fact, in reports I have read
17 Sukarna and his followers were brought to MAEDA's
18 house on the 16th by this organization, by the Bemoeda
19 organization.

20 THE PRESIDENT: It is a pity to waste much
21 time on this issue, Mr. Logen. I know it has some
22 more or less remote bearing on the extent of aggres-
23 sion but we won't be helped by any evidence as to
24 negotiations of this type. That can only be determined
25 by the result.

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1 MR. LOGAN: If the Tribunal please, I am
2 developing these facts for the purpose of ascertaining
3 just how this independence came about because I think
4 it will involve a question of law.

5 THE PRESIDENT: It didn't exist until after
6 the war terminated, if it ever existed.

7 MR. LOGAN: Well, the point I am trying to
8 develop, if the Tribunal please, is from this state-
9 ment it appears that the -- an inference may be drawn
10 that this independence was declared by the Japanese.

11 THE PRESIDENT: You should be more concerned
12 about the other inference, that the Japanese intended
13 to make the territory theirs forever.

14 MR. LOGAN: Well, that is a different point,
15 your Honor, but it won't take me very long to finish
16 this up.

17 BY MR. LOGAN (Continued):

18 Q Do you know it to be a fact, Major, that
19 MAEDA got in touch with Major General YAMAMOTO who
20 refused to see Sukarna and Hatta that evening and they
21 told him to see Major General NISHIMURA?

22 A I have stated in my statement already that
23 Sukarna conferred with the Soomubutyoo who is the
24 same as this General NISHIMURA. It is at page 56.

25 Q And do you know that the Soomubutyoo told

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Hatta and Sukarno that they could not declare independence because they didn't know whether or not the Japanese had actually surrendered and also that, as they were of the military, they had to have new orders before they could countenance such a declaration of independence?

A According to an interrogation report, an interrogation taken from YAMAMOTO, this is correct.

Q And isn't it a fact that Sukarno and Hatta went back to MAEDA and there was about seventy people waiting for them there?

A The exact number of persons gathered there I don't know, but I do know that the Pemoeda collected all members of the committee for the preparation of independence in MAEDA's house. That was the same Pemoeda organization that had kidnapped Sukarno previously.

Q And at two o'clock the next morning of the 17th they decided to proclaim the independence and that was done that day by Sukarno from his own home over Pemoeda's broadcasting system at noon?

A I mention this on page 56 of my statement. I have to point out, however, that this was not the Pemoeda radio installation but the official Japanese broadcasting system.

Q Did the Governor-General of the Netherlands

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1 Hatta and Sukarna that they could not declare independ-
2 ence because they didn't know whether or not the Japanese
3 had actually surrendered and also that, as they were
4 of the military, they had to have new orders before
5 they could countenance such a declaration of independence?

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7 interrogation taken from YAMAMOTO, this is correct.

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9 went back to MAEDA and there was about seventy people
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18 17th they decided to proclaim the independence and
19 that was done that day by Sukarna from his own home
20 over Bemoeda's broadcasting system at noon?

21 A I mention this on page 56 of my statement.
22 I have to point out, however, that this was not the
23 Bemoeda radio installation but the official Japanese
24 broadcasting system.

25 Q Did the Governor-General of the Netherlands

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1 East Indies issue a proclamation of war against
2 Japan on or about December 8?

3 A As far as I remember, the Governor-General
4 broadcasted ~~or~~ announced, rather, on the 8th of
5 December local time that the Netherlands Government
6 in London had announced that a state of war existed
7 between Japan and the Netherlands.

8 THE MONITOR: And the Netherlands East Indies.

9 MR. LOGAN: Thank you.

10 THE PRESIDENT: Mr. Blewett.
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1 CROSS-EXAMINATION (Continued)

2 BY MR. BLEWETT:

3 MR. BLEWETT: If the Court please, I just
4 wish to inquire of the witness on one point.5 Q What verification were you able to make of
6 the numerous references in your statement?7 THE PRESIDENT: Do you suggest that any
8 of his references cannot be supported? If so, put
9 them to him.10 Q Where did you obtain the information that
11 the first head of the Record Office was the then
12 Private Secretary of Premier TOJO?13 A I found mention of this in a paper. I
14 found mention of this fact in the Chahaya. The
15 Chahaya is a Japanese-managed newspaper -- Malay
16 language newspaper -- published in Bandoeng, Java.
17 In the Chahaya of the 15th of October, 1943, it is
18 stated -- in this article an account is given of
19 an interview that UTABA, the Chief, Record Office of
20 the Central Advisory Council, gave to newspaper men.
21 In the account of this interview it is stated that
22 he was at one time a private secretary to Prime
23 Minister TOJO.

24 Q Was the name W-A-T-A-B-E?

25 A The name, as spelt in this edition of the

Chahaya newspaper, reads UTABA.

Q Did you check up on that account in any way?

A I don't think this detail of sufficient importance to go and check it up; but, I assumed that the Japanese propaganda service had sufficient knowledge of these facts and details.

Q Did you make any ascertainment as to whether or not former Premier TOJO ever had a private secretary?

A In my investigations I have restricted myself to events and developments in Java.

MR. BLEWETT: That is all.

THE PRESIDENT: Mr. Levin.

MR. LEVIN: Mr. President.

CROSS-EXAMINATION (Continued)

MR. LEVIN:

Q In your statement, Major, you indicate that on the 12th of December, 1941, you were mobilized as an officer of the Reserve of the Royal Netherlands Indies Army?

A In my statement I said that I was mobilized the 12th of December, 1941.

Q Had there been any prior mobilization of Royal Netherlands Army?

DE WEERD

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3 way?

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5 importance to go and check it up; but, I assumed
6 that the Japanese propaganda service had sufficient
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9 or not former Premier TOJO ever had a private
10 secretary?

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12 myself to events and developments in Java.

13 MR. BLEWETT: That is all.

14 THE PRESIDENT: Mr. Levin.

15 MR. LEVIN: Mr. President.

16 CROSS-EXAMINATION (Continued)

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19 that on the 12th of December, 1941, you were mobi-
20 lized as an officer of the Reserve of the Royal
21 Netherlands Indies Army?

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23 on the 12th of December, 1941.

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DE WEERD

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9 or not former Premier TOJO ever had a private
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12 myself to events and developments in Java.

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14 THE PRESIDENT: Mr. Levin.

15 MR. LEVIN: Mr. President.

16 CROSS-EXAMINATION (Continued)

17 BY MR. LEVIN:

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19 that on the 12th of December, 1941, you were mobi-
20 lized as an officer of the Reserve of the Royal
21 Netherlands Indies Army?

22 A In my statement I said that I was mobilized
23 on the 12th of December, 1941.

24 Q Had there been any prior mobilization of
25 the Royal Netherlands Army?

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1 A Yes. The Army in Java was mobilized on
2 the 8th of December, 1941, while the Army in the
3 outer islands were only called up a few days later.
4 Rather, military personnel was only called up a
5 few days later.

6 Q I believe I did not make myself clear.
7 I would like to have you advise the Tribunal whether
8 or not there had been a mobilization of that Army
9 prior to December 12th or prior to December 8th,
10 1941?

11 A No general mobilization has taken place
12 before the 8th of December.

13 Q Was there any type of Army in existence
14 prior to that time?

15 A There was in existence a skeleton formation
16 of a Regular Army -- a nucleus for a Regular Army --
17 a nucleus consisting of a Regular Army.

18 Q And was the machinery in existence so that
19 it could be called into -- could be activated very
20 quickly?

21 A The Regular Army was naturally all active
22 service all along. It was the Reserve and the
23 Militia that had to be called up.

24 Q Now, you state on page 1 of your affidavit
25 that the Japanese camp authorities allowed Malay

DE WEERD

CROSS

1 language newspapers to be brought into the camps
2 until the end of January, 1944. Will you please
3 state generally what was the character of the
4 published items in these newspapers?

5 THE PRESIDENT: Oh, do ask him something
6 that you do have in mind. You surely do not want
7 to know the character of the paper. There must
8 be something in that newspaper that you have in
9 mind that you would like him to tell you about.

10 Q Did the newspapers contain Japanese propa-
11 ganda?

12 A The newspapers contained nothing but
13 Japanese propaganda.

14 Q Do you know who the editors and publishers
15 of the papers were?

16 A As I have stated in my statement, the pub-
17 lishers were, without exception, the Japanese
18 Propaganda Service.

19 Q Were your movements in the camp in any
20 way restricted?

21 A I don't understand this question clearly.

22 Q What I mean is: Outside of the general
23 restrictions as a prisoner of war, were your move-
24 ments restricted?

25 THE PRESIDENT: The Tribunal does not want

DE WEERD

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1 to know that, Mr. Levin.

2 Q Now, as a member of the staff of the
3 Attorney General of the NEA, did you participate
4 in preparing the evidence in this case?

5 THE PRESIDENT: He says as much in his
6 statement; so did Colonel Wild.

7 MR. LEVIN: Well, I will go to another
8 question, Mr. President.

9 Q On what do you base the statement in your
10 affidavit that Japan's policy in regard to the
11 Southern regions was broadly laid down in Tokyo
12 for all regions alike?

13 A This passage is based on the findings of
14 the Imperial Conference which, if I am not mistaken,
15 took place on the 12th of November, 1941. This
16 has been introduced as a document the other day
17 in this Court. Also, this is based on various re-
18 ports and interrogations taken from Japanese author-
19 ities and Japanese military authorities who have
20 served in Java or other parts of the Netherlands
21 East Indies.
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23
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DE WEERD

CROSS

1 Q Now, you speak of certain prisoner groups
2 that -- a number in the remaining groups were con-
3 fined in separate camps.

4 A I assume that this refers to internment?

5 Q I didn't quite get this.

6 A I assume that your question refers to
7 interned personnel.

8 Q Yes. My question refers to the statement --
9 to that portion -- to what you say in your statement,
10 that the remaining groups were confined in separate
11 camps, I believe, on page --

12 Can you give us the number of those groups,
13 approximately?

14 A There were a great number of internment
15 camps all over Java in various places, and I find it
16 impossible to say where exactly these special so-called
17 workers camps were located.

18 Q I presume you didn't visit any of these
19 camps, did you?

20 A I did so only after the 10th of September,
21 1945.

22 Q On what do you base your statement that the
23 contact with the outside world was restricted as much
24 as possible?

25 A From hundreds of camp reports and individual

DE WEERD

CROSS

1 reports which I went through.

2 Q During your internment, did the camps
3 receive supplies from the Red Cross?

4 A I can only tell you about my own experiences.

5 Q And did you receive supplies?

6 A We received Red Cross packages two times.

7 The first time the Red Cross packages which -- were
8 delivered to us at the end of 1944. According to
9 the address on these packages, they had been sent
10 approximately the end of 1942 on board the so-called
11 Exchange Ships. The first time we received these
12 packages, we had to divide one package amongst
13 forty-four men. The second time we received Red
14 Cross packages was in May, 1945. Then we received
15 one package for eight men.

16 Q Do you know whether you received all that
17 was forwarded or sent?

18 A It is not known to me how many packages
19 were sent; but I do know that there were a great many
20 more packages in Japanese-guarded warehouses than were
21 distributed.

22 Q Did you see these in the warehouses or do
23 you make this statement from reports that you ob-
24 tained?

25 A I base this statement on statements made

DE WEERD

CROSS

1 to me by fellow interned -- fellow prisoners who had
2 to work in these warehouses.

3 Q Now, on what do you base your statement that
4 the Chinese who were interned were supporters of
5 Chiang Kai-shek -- of the Chiang Kai-shek regime?

6 A The internment of the most important Chinese
7 in Java -- in Batavia went according to a regular
8 program -- were carried out in the following manner:
9 They were arrested on the score of a list of people
10 who had contributed before the Occupation to a fund
11 in aid of the Chiang Kai-shek regime.

12 Q Had these Chinese been charged with any
13 misconduct or criminal offenses?

14 A These Chinese, in the same way as all other
15 interned people, were simply arrested and, without
16 any legal proceedings, were interned.

17 Q Now, will you please state on what you base
18 your statement that the Japanese requisitioned
19 whatever took their fancy generally without any
20 payment of compensation?

21 A That is based upon hundreds of affidavits
22 and similar documents -- various documents.

23 Q However, compensation was paid on frequent
24 occasions, was it not -- was made on frequent
25 occasions, was it not?

DE WEERD

CROSS

1 A That is not true. It can be stated as a
2 general rule that no payment was made at all and
3 that, in a very few cases where compensation was
4 made, it was a matter of surprise.

5 Q Was there any evidence given that payment
6 was to be made by giving them a note of some kind
7 or a paper of some kind indicating that payment would
8 be made?

9 A Generally, there was no such paper issued.
10 It did happen in a few cases.

11 Q Now, with reference to the closing of the
12 schools, I should like to ask whether or not the
13 conditions, because of the Occupation, were not in
14 a chaotic state in early 1942, and because of those
15 conditions it was practically impossible to keep the
16 children at school at that time.

17 A The conditions, indeed, were rather upset --
18 confused. But, in my opinion, it would have been
19 much better to send the children to school and,
20 therefore, help return the normal conditions.

21 THE PRESIDENT: We will adjourn until half-
22 past one.

23 (Whereupon, at 1200, a recess was
24 taken.)
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DE WEERD

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 - - - -

8 K L A A S A. D E W E E R D, called as a witness
9 on behalf of the prosecution, resumed the stand
10 and testified through Dutch interpreters as
11 follows:

12 THE WITNESS: Mr. President, sir, before
13 proceeding I should like to be allowed to give a
14 clarification of something I stated this morning.

15 THE PRESIDENT: You better leave the
16 prosecution re-examine on that. We do not know
17 what you are going to say. It may be more than a
18 clarification.

19 Mr. Levin.

20 MR. LEVIN: Mr. President.

CROSS-EXAMINATION

21
22 BY MR. LEVIN (Continued):

23 Q By August and September, 1942, the primary
24 schools had reopened and the attendance was again
25 normal, was it not?

DE WEERD

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1 A That is correct with this qualification:
2 that these primary schools were only those for
3 Indonesians.

4 Q And the secondary schools were also re-
5 opened in September:

6 A That is not correct to use the word
7 "reopening" because the schools that were opened were
8 entirely new schools for Indonesians only.

9 Q And is it not a fact, by 1943 the average
10 attendance had increased from what was normally a
11 twelve percent of school age to about thirty and
12 thirty-three and one-third percent?

13 A These numbers are completely unknown to me.

14 Q Have you no information on this subject
15 whatsoever?

16 A I do not know about figures for the situa-
17 tion before the war and I have never seen any figures
18 for the period of the Occupation.

19 Q Now, in your statement you indicated that
20 meetings were limited to various groups, such as
21 sports, scientific, cultural groups, and so forth?

22 A That is correct.

23 Q Will you please state what organizations
24 were not permitted to meet?

25 A All other organizations, especially those

DE WEERD

CROSS

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2 that these primary schools were only those for
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18 for the period of the Occupation.

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20 meetings were limited to various groups, such as
21 sports, scientific, cultural groups, and so forth?

22 A That is correct.

23 Q Will you please state what organizations
24 were not permitted to meet?

25 A All other organizations, especially those

DE WEERD

CROSS

1 concerned with politics.

2 Q Now, was it not a common practice before
3 the Japanese Occupation to get permission from the
4 police to hold certain meetings?

5 A That indeed was usual.

6 Q Now, you refer on page ten of your statement
7 that the possession of money was punishable -- that
8 possession constituted a punishable offense.

9 THE MONITOR: Mr. Levin, when you refer
10 to an thing in the affidavit would you give us the
11 paragraph, please -- paragraph and page?

12 MR. LEVIN: It is the first paragraph on
13 page ten, the tenth line.

14 THE MONITOR: Thank you, sir. Please
15 continue.

16 A That is correct.

17 Q Is it not a fact that this applied only
18 to military men and Japanese civilians employed by
19 the army?

20 A As far as I knew this prohibition was
21 effective for all persons.

22 Q And that this measure was taken to prevent
23 military men and others from obtaining Dutch money
24 from the Dutch by illicit means?

25 A That is not known to me.

DE WEERD

CROSS

1 Q And is it not a fact that the Dutch money
2 was used by the Dutch to pay their taxes?

3 A That was correct for -- up till the time
4 this measure was taken -- this prohibition was laid
5 down. After that, I believe it was in 1944, taxes
6 had to be paid in Japanese military scrip.

7 Q On page twelve of your statement at para-
8 graph four, you refer to that fact that "the
9 possession of immovable property belonging to
10 Occidentals or governmental institutions, was
11 transferred by the Japanese to the 'Hudoosan
12 Kanrikoodan' established by them."

13 A That is true. The "Hudoosan Kanrikoodan"
14 was established by Ordinance of 10 October 1942.

15 Q Is it not a fact that this property was
16 transferred to the body called the "Tekisan Kanribu,"
17 the Enemy Property Custodian Commission?

18 A The relations between the Tekisan Kanribu
19 and the Hudoosan Kanrikoodan were such that the
20 Tekisan Kanribu handled the administration of enemy
21 property while the Hudoosan Kanrikoodan was the body
22 which administered the property itself. The adminis-
23 tration by the Tekisan Kanribu was, moreover, only
24 started in the course of 1944.

25 Q And was not that transfer made for the

DE WEERD

CROSS

1 purposes of custody and not appropriation?

2 A Sources to this matter are rather confused.
3 The ordinances issued in the initial stages mention
4 the "milik" which means property exercised by the
5 Army -- rights of property exercised by the army,
6 while the word "administration" was only given and
7 used in ordinances in the later stages.

8 Q You further refer to private estates being
9 appropriated. Will you state whether or not the
10 reason for this was because the proprietors of these
11 estates were absent and that the custody was taken
12 thereof by the Enemy Property Custodian Commission?

13 A That is only partially correct. The
14 majority of these estates belonged to Chinese who
15 were never interned.

16 THE PRESIDENT: Possession was not vacant
17 then?

18 THE WITNESS: No.

19 Q Now, did you attend any of the trials by
20 court martial where you state the proper interpreta-
21 tion was seldom available?

22 A That is correct.

23 Q The question I am asking is: did you attend
24 any of the court martial trials where you state that
25 the proper interpretation, I assume of the evidence,

DE WEERD

CROSS

1 was seldom made or available?

2 A I have never attended such a court martial
3 and I have obtained this information from statements
4 by witnesses.

5 Q You have never examined a transcript of
6 the testimony of any of these court martials?

7 A I have read a number of translations of
8 verdicts given by Japanese courts martial. These
9 verdicts covered at most one or two pages. It never
10 appeared from these translations whether a correct
11 translation -- interpretation had been available
12 during the sessions.

13 Q You speak of a village guard of 1,300,000
14 Keiboodan. Did they consist largely of Indonesians?

15 THE MONITOR: What page and what paragraph
16 is that, Mr. Levin, please?

17 MR. LEVIN: Page 21.

18 A The Keiboodan as such consisted of Indo-
19 nesians only with Japanese instructors.
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1 Q On page 25 of your statement you speak of
2 "the same picture of obligatory membership, unilateral
3 binding regulations." That is in all fields, relating
4 to fields of economic activity. Will you please
5 explain to the Tribunal what you mean by that state-
6 ment?

7 A Page 24 of my statement stated that by ordi-
8 nance the Java Izi Hookookai has been established.
9 In Article 4 it is stated that all physicians or
10 medical men had to become a member of this Java
11 Izi Hookookai. In Article 1 the object of this
12 association is defined as support to the Japanese
13 Army. In Article 9 it is laid down that the chief
14 of this association, the chairman of this association,
15 is empowered to lay down regulations and to give
16 instructions to the members. Similar regulations
17 are to be found in ordinances establishing economic
18 corporations.

19 Q Excepting as it related to Japan, did you
20 have any serious objection to the purposes of the
21 Putera?
22

23 MR. HYDE: Mr. President, I object to that
24 question on the grounds that it calls for the per-
25 sonal view of this witness with respect to the matter.
He is here giving a survey, not his personal views.

1 MR. LEVIN: Mr. President, he sets out at
2 great length the functions of the Putera and their
3 purposes as indicating purposes rather inimical
4 to the Javanese inhabitants.

5 THE PRESIDENT: You can suggest to him that
6 there was nothing objectionable in that association.

7 It is suggested to you there was nothing
8 objectionable in the association, as I understand
9 it. What is your reply?

10 THE WITNESS: The organization was set up
11 entirely on Fascistic lines, and, therefore, I per-
12 sonally would decidedly decline to be a member of
13 such an organization.

14 Q Will you please state what there was objec-
15 tionable to the organization of the Moslem unions
16 into one mother organization, the Mashumi?

17 THE PRESIDENT: Well, he has given an answer.
18 In any event, the whole purpose of this is to show
19 how completely the Japanese took possession of the
20 people of Malaya, or the people of Java, as well as
21 of Java.

22 Q Were the Eurasians who had been taken out of
23 their positions from technical and administrative
24 organizations subsequently replaced in those positions?

25 A I have never stated that all Eurasians, or all

DE WEERD

CROSS

1 persons of Occidental extraction were taken out of
2 all technical and administrative functions.

3 Q On page 41 of your statement, paragraph 3,
4 you mentioned that certain permission had been given
5 for making remittances, and that this permission was
6 not kept; that is, to make remittances to the
7 families in Japanese-occupied parts of China.

8 A This promise was, as a matter of fact, not
9 kept. As soon as this promise was given the corpora-
10 tion of overseas Chinese, the Kakyoo Sookai, was
11 established, and its services were enlisted to list
12 those Chinese who wanted to make remittances, who
13 wanted to send remittances. Applications streamed
14 in, but afterwards never again was anything heard
15 of it.

16 DUTCH MONITOR: Nothing was heard concerning
17 those contributions, those applications for contri-
18 butions.

19 A (Continuing) It is possible that a few
20 remittances had been made, but the majority by far
21 of all applications have never been handled.

22 Q Is it not a fact that the Kakyoo Sookai made
23 these remittances until late in 1944 when they could
24 no longer make any remittances because communica-
25 tions had been suspended?

DE WEERD

CROSS

1 A I can only repeat ~~what I found in~~ reports
2 concerning this matter, that in a few cases remittances
3 have been sent, but that in most cases they were never
4 sent.

5 MR. LEVIN: That concluded my cross-examination,
6 Mr. President.

7 THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: Mr. President and Members of the
9 Tribunal:

10 CROSS-EXAMINATION (Continued)

11 BY MR. BROOKS:

12 Q Mr. Witness, when did you first start col-
13 lecting documents and evidence of alleged Japanese
14 plans, such as have been introduced in this case?

15 A The question is not entirely clear. Do you
16 mean that that was the case as it is being tried
17 here? Is that the purport of your question?

18 THE PRESIDENT: It was after you were interned.
19 That ought to be enough.

20 Q Now, Mr. Witness, the knowledge that you
21 gathered after your internment, was that knowledge
22 generally known, or any of the evidence there gen-
23 erally known by the representatives of the Royal
24 Netherlands Indies Army prior to the declaration of
25 war?

DE WEERD

CROSS

1 MR. HYDE: Mr. President, I object to that
2 question on the ground that it is indefinite and
3 uncertain just what he wants.

4 THE PRESIDENT: The Tribunal thinks it is
5 pointless. You are wasting a lot of time getting
6 just nothing.

7 Q In general, what was the knowledge as to any
8 Japanese plans that was in the hands of the author-
9 ities prior to their declaration of war? That is
10 the point I am driving at.

11 THE PRESIDENT: Will the reporter repeat that?
12 I missed a word of it.

13 (Whereupon, the last question was read
14 by the official court reporter.)

15 THE PRESIDENT: Thank you. I confess I cannot
16 understand the question; I do not expect the witness
17 to understand it.

18 Q Mr. Witness, do you understand the question?

19 A I can only think that the question that is
20 meant is whether the Netherlands authorities had
21 knowledge of Japanese aggressive plans -- plans of
22 aggression.

23 Q Yes.

24 MR. HYDE: Mr. President, I object to the
25 question as being beyond the scope of the affidavit.

DE WEERD

CROSS

1 THE PRESIDENT: Beyond the scope of his
2 knowledge, too.

3 A That is correct, that I have no knowledge
4 of what was known to the Netherlands authorities of
5 Japanese plans prior to aggression.

6 Q Then, I take it, Mr. Witness, that any such
7 plans were not being discussed at that time, or were
8 not generally known, is that correct?

9 THE PRESIDENT: Captain Brooks, you are not
10 at your best today. Now, there is no point in that
11 question at all.

12 MR. BROOKS: If the Court please, what I am
13 trying to, laying the basis for, is to ask on what
14 basis war was declared. We have a lot--

15 THE PRESIDENT: That is quite beyond his
16 province. He was not the Governor-General of Java.
17 He would not know.

18 MR. BROOKS: The witness has collected the
19 opinions and has summarized a lot of statements here,
20 and I am asking if any of the evidence produced in
21 the court here now was available to him and was used
22 prior to their declaration of war. That is what I
23 am reaching.

24 THE PRESIDENT: You may cross-examine him
25 on specific allegations of fact in his statement,

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not beyond that.

1 MR. BROOKS: If the Tribunal please, I do
2 not want to argue this, but I have assumed the posi-
3 tion, if the Court please, that the statements made
4 have been from evidence previously -- or gathered
5 subsequent to the declaration of war in justification
6 of that declaration of war.

7 THE PRESIDENT: I can only repeat: We will
8 confine the cross-examination to statements of fact
9 in his evidence.

10 BY MR. BROOKS: (Continued)

11 Q Now, Mr. Witness, on page 1, Roman numeral
12 one, of your affidavit, you say that the 12th of
13 December you were mobilized as an officer, and you
14 served as such on the staff of the First Division--
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1 THE PRESIDENT: Don't repeat all that. It
2 takes so long to get it and it is so useless when
3 you get it.

4 Q As one of the staff officers did you work
5 generally as a -- on plans for offense rather than
6 defense?

7 THE PRESIDENT: It is irrelevant and im-
8 material.

9 MR. BROOKS: If the Court please, the time
10 such plans were drafted and prepared I think would
11 be very relevant when Japan was not the one declar-
12 ing war and had not committed any prior acts to
13 justify such declaration. May he answer?

14 THE PRESIDENT: The question is disallowed.

15 MR. BROOKS: I had a question on the point
16 of plans and preparations made prior to declaring
17 war. Can he go into that line?

18 THE PRESIDENT: No.

19 Q Mr. Witness, on what do you base the state-
20 ment on page 2 that Japan's policy was broadly laid
21 down in Tokyo?

22 THE PRESIDENT: He has already answered.

23 MR. HYDE: Mr. President, that is the
24 question that the witness wanted to correct his
25 answer to when he came in. I was going to on

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1 redirect ask that question so that he might indi-
2 cate another document he had in mind. I wonder if
3 he might state it at this time.

4 THE PRESIDENT: He may answer.

5 A I mentioned a court document, and it appears
6 to be exhibit 877. It is the decisions of liaison
7 conference between Imperial Headquarters and the
8 Japanese Government on the 20th of November 1941.
9 Article 2, sub 10, sub a, mentions the following:
10 It says that all important matters concerning local
11 government will be decided upon by consultation
12 between military and civilian authorities on the
13 spot.

14 DUTCH MONITOR: A liaison has been made
15 between military and civilian authorities.

16 THE PRESIDENT: Observe the light.

17 A All important matters concerning local
18 government will be decided upon by liaison con-
19 ference between Imperial Headquarters and the
20 Japanese Government.

21 Q What year did you acquire this knowledge?
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2 cate another document he had in mind. I wonder if
3 he might state it at this time.

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7 liaison conference between Imperial Headquarters
8 and the Japanese Government on the 20th of November
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11 local government will be decided upon by consulta-
12 tion between military and civilian authorities on
13 the spot.

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15 between military and civilian authorities.

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18 government will be decided upon by liaison con-
19 ference between Imperial Headquarters and the
20 Japanese Government.

21 Q What year did you acquire this knowledge?
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1 MR. HYDE: Mr. President, I object to
2 that question as being immaterial.

3 THE PRESIDENT: Do you want the answer?

4 MR. BROOKS: Yes.

5 THE PRESIDENT: Answer it.

6 A I learned about this document since I
7 arrived in Tokyo.

8 Q From the time of the Occupation, the first
9 days of the Occupation, was that actually put in
10 practice, or do you know -- that policy?

11 A I can indeed answer that. I can answer
12 that because all reports drawn up by Japanese authori-
13 ties mention the fact that they acted on instructions
14 from Tokyo only.

15 Q Now, these first restrictions placed on the
16 people after Occupation -- some of them that you have
17 outlined on page 6 -- were placed on there at the
18 early part of the Occupation as more or less temporary
19 measures, were they not?

20 A The first measure mentioned on page 6 is the
21 dissolution of the People's Council and other councils,
22 which has never been rescinded, which was of a per-
23 manent nature.

24 Q It was replaced--

25 A The abolition of court of law and the institution

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1 of Gunsei Hoqin again was permanent and not temporary.
2 The abolition, the ban on all organizations excepting
3 those concerned with sports, et cetera, again was
4 definite and permanent. And even the supervision by
5 the police of the few remaining organizations was also
6 permanent.

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1445, a recess was
10 taken until 1500, after which the proceedings
11 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Brooks.

4 BY MR. BROOKS (Continued):

5 Q Mr. Witness, at the first part of the Oc-
6 cupation there were certain security and control re-
7 strictions placed upon the population. Were any of
8 those later modified or removed?

9 A I have enumerated not long ago those measures
10 mentioned on page 6 which were not removed or rescinded.
11 As stated in paragraph 6, page 6, that the original
12 total ban on meetings and associations by Ordinance of
13 the 15th of July, 1942, has been modified in the case
14 of sports organizations, and so forth.

15 Q You also mention scientific, cultural,
16 charitable and distributing organizations in that
17 same paragraph.

18 A I have mentioned in my statement and ex-
19 plained that practically all organizations were sub-
20 stituted -- all organizations that existed pre-war
21 were substituted by Japanese organizations. So, for
22 instance, the scientific and cultural organizations
23 were all absorbed by the Keimin Bunka Shidosha.

24 Q Let me direct your attention again to these
25 permanent rules where, like in the Peoples' Council.

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1 Now, in those cases the permanent change was re-
2 placements of a different type made of a different
3 type of organization? Now, in such substitutions
4 it made, was it also not true that the Javanese were
5 given control to replace the Dutch that were in con-
6 trol of the Peoples' Council, for instance?

7 A Could the question be repeated, please?

8 Q I will restate it this way: was not the
9 Japanese policy where these permanent changes were
10 made to replace Dutch control with Javanese control
11 in those organization replacements?

12 A That is not correct. The key positions were
13 taken over by Japanese, and that is equally true for
14 key positions held by Indonesians as those held by
15 Netherlands.

16 Q But that policy that you have just des-
17 cribed was being modified and the key positions were
18 being replaced with Javanese being given more con-
19 sideration than the Dutch toward the years 1944 and
20 '45, was it not?

21 THE PRESIDENT: The whole point is to show
22 that the Japanese went so far as to prefer one class
23 to another in the Government of Java. We are not
24 going to discuss the merits of that preference. It
25 has got nothing to do with any issue.

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1 MR. BROOKS: I won't debate at this time.

2 Q Now, on page 34, the second paragraph from
3 the bottom of the page of exhibit 1351, your affida-
4 vit, was there actually a desire of the inhabitants,
5 the natives of this area, to have their own Army and
6 their independence.

7 THE PRESIDENT: We have heard enough about
8 that independence issue. If you can show that the
9 independence of the Javanese was necessary for the
10 security of Japan it is different. It is beyond the
11 scope of this witness' statement or of his ability.

12 MR. BROOKS: I will drop that. It is stated
13 that it should appear; that the propaganda service
14 tried to make it appear at that, and I think it was
15 actually so.

16 Q On page 50, the first paragraph of your af-
17 fidavit, you state the policy was such as to lead
18 the villagers to violate the rules of land warfare
19 and force the opposing party to treat them as
20 franc-tireurs. After the capitulation of Japan how
21 were these people treated that acted in this manner?

22 A What happened in Bekasi is a case in point.
23 Bekasi is a place near Batavia where a British plane
24 made a crash landing -- a British plane carrying
25 Indian soldiers made a crash landing in November of

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1 1945. The population of this area, scared as they
2 were, afraid as they were, of these foreigners, hor-
3 ribly massacred these Indian soldiers. This actually
4 happened in a manner, exactly in the manner which the
5 Japanese propaganda had instructed them to act.

6 Q Was this prior to or after the Dutch had
7 started their struggle to resume control over the
8 people there?

9 MR. HYDE: Mr. President, I object to that
10 question, on the ground that it is beyond the scope
11 of this witness' statement.

12 THE PRESIDENT: Objection upheld.

13 MR. BROOKS: I have no further questions.

14 THE PRESIDENT: Mr. Cunningham.

15 CROSS-EXAMINATION (Continued)

16 BY MR. CUNNINGHAM:

17 Q Major, are you now an officer in the
18 Netherlands Army?

19 A I am an officer in the Reserve of the Royal
20 Netherlands Indian Army.

21 THE PRESIDENT: We have it twice now. I
22 don't suppose we are any better for having it twice.
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1 Q Are you on active duty now?

2 A I have as yet not been demobilized.

3 Q Under whose command are you at the present
4 time?

5 A I have been assigned by the Adjutant-General
6 to the Attorney-General's Office -- temporarily
7 assigned to the Attorney-General's Office.

8 Q Is the Attorney-General elected or appointed?

9 THE PRESIDENT: The question is immaterial,
10 indeed irrelevant.

11 Q Are you classified here as a member of
12 the I. P. S. staff, or as an investigator, or
13 simply as a witness?

14 A I gave my exact position in the preface --
15 in the introduction to my statement, and it does
16 not seem necessary to explain it further.

17 Q Mr. Witness, are you classified here as a
18 witness, member of the I. P. S. staff, or as an
19 investigator, or simply as a witness? Answer my
20 question!

21 A In May, 1946, as set out in my statement,
22 I have been assigned to the Attorney-General's Office;
23 in September, 1946 I arrived at Tokyo, and I consider
24 myself to be a representative of the Attorney-General's
25 Office, Batavia, for the purpose of investigations

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1 to be carried out in Tokyo. So far as I know, I
2 don't have any other status.

3 Q Am I right, then, in assuming that you are
4 here as an official representative of the Attorney-
5 General of Batavia?

6 A That is correct.

7 Q Have you read the record of this trial and
8 familiarized yourself with all of the details before
9 testifying here?

10 THE PRESIDENT: The witness need not answer.
11 It is irrelevant. And you be careful to ask sensible
12 questions, or we will deal with you.

13 Q Have you testified, or has your testimony
14 been used in any trials involving Japanese defendants
15 prior to your appearance here?

16 A No.

17 Q Have you made any reports which have been
18 used as evidence in any other trials against any
19 Japanese?

20 A No.

21 Q Has your report, which you used in testimony
22 here, been officially approved by any of the officials
23 of the Dutch East Indies?

24 A No.

25 THE PRESIDENT: He is here to tell the truth,

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1 the whole truth, and nothing but the truth; and
2 the knowledge possessed by the Dutch East Indies'
3 officials of his report is irrelevant.

4 Q Did you include in your report, which is
5 used in evidence here, all of the favorable features
6 about the occupation of the Dutch East Indies which
7 you discovered in your research?

8 A I have tried to be as objective as possible
9 in the report and to bring forward only the
10 important things.

11 Q May we take it, then, that you have reported
12 all of the favorable features of the Japanese Occu-
13 pation as well as the matter -- other matters?

14 THE PRESIDENT: This Tribunal is here to
15 decide what crimes, if any, against international
16 law were committed by the Japanese, not to ascertain
17 what virtues they possessed. That may come later
18 in the case of individuals.

19 Q Were you in the Dutch East Indies when
20 the liberating troops of Britain and Holland arrived?

21 A Yes.

22 Q Was this a peaceful re-entry which the troops
23 of Britain and Dutch East -- and the Netherlands
24 made upon their return?

25 MR. HYDE: Mr. President, I object to the

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1 question as being immaterial, irrelevant, and beyond
2 the scope of this witness' statement.

3 MR. CUNNINGHAM: I will ask him a qualifying
4 question.

5 Q Were you in a position to determine whether
6 or not it was a peaceful Occupation from your opportunity
7 for observation?

8 THE PRESIDENT: The objection is upheld
9 on all of the grounds stated.

10 Q Have you made any estimate in your studies
11 of the number of casualties which resulted from
12 Japanese occupation?

13 A No.

14 Q Have you made any estimate in your investigation
15 as to the number of casualties which resulted
16 from the reoccupation by the Dutch and British troops?

17 MR. HYDE: Mr. President, I object to that
18 question as being immaterial, irrelevant, and beyond
19 the scope of the affidavit.

20 THE PRESIDENT: Objection upheld on all
21 grounds.

22 Q Now, Mr. Witness, how much of an Army was
23 there in the Dutch East Indies when the Government
24 of the Netherlands declared war on Japan?

25 MR. HYDE: Mr. President, I object to that

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question on the same grounds as the previous question.

1 THE PRESIDENT: I will hear you on that,
2 Mr. Cunningham.

3 MR. CUNNINGHAM: My purpose in asking that
4 question is to determine the state of preparation
5 of the Dutch East Indies to defend themselves at
6 the time the Netherlands-in-Exile in London made
7 the declaration of war.
8

9 THE PRESIDENT: Objection allowed.

10 Q Mr. Witness, can you state the state of
11 the training and the amount of the equipment of
12 the Army and the Navy and the home defenses of
13 the Dutch East Indies at the time of the declaration
14 of war?

15 MR. CUNNINGHAM: I might say the reason
16 for that question is to lay the basis for the next
17 one to show the length of time and the amount of
18 resistance put up by the forces of the Dutch East
19 Indies after the declaration of war.

20 MR. HYDE: Mr. President, I object to that
21 question as being beyond the scope of the affidavit,
22 also being irrelevant.

23 THE PRESIDENT: Objection upheld.

24 Q Now, Mr. Witness, in what manner was liaison
25 relationships carried on between the Dutch East

1 Indies and the Government of the Kingdom of the
2 Netherlands after May 20, 1940?

3 MR. HYDE: Mr. President, I object to that
4 question on the same grounds as the immediately
5 preceding question.

6 THE PRESIDENT: Objection upheld.

7 Q Mr. Witness, to what extent was the entire
8 area of the Dutch East Indies occupied by the
9 forces of Japan?

10 A As far as I know, Java was occupied by
11 a force numbering roughly sixty thousand men --
12 fifty thousand men. Sumatra was, I think, occupied
13 by a number of forty-five thousand men. Similar
14 numbers for territories occupied by the Navy are
15 not known to me.

16 Q How many of the residents of the Dutch East
17 Indies, would you say, came under the occupation
18 Forces of Japan?

19 A I do not know exactly, but as the whole of
20 the entire territory was occupied except for a
21 small part of New Guinea, it is safe to say that
22 approximately the whole population of the Netherlands
23 East Indies came under Japanese Occupation.

24 Q To whom did the Japanese commanders in the
25 Dutch East Indies surrender?

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A They surrendered to Admiral Lord Mountbatten.

Q And were the Dutch Forces in the Netherlands East Indies or Dutch East Indies after that always under the jurisdiction or command of Lord Lewis Mountbatten?

MR. HYDE: Mr. President, I object to that question on the grounds it is immaterial, irrelevant, and beyond the scope of the witness' statement.

THE PRESIDENT: Objection upheld.

MR. OKUYAMA: I am OKUYAMA, Hachiro, counsel for the defendant, NAGANO, Osamu.

THE PRESIDENT: Mr. OKUYAMA.

CROSS-EXAMINATION (Continued)

MR. OKUYAMA:

Q You state in your statement that from the beginning of 1939 you entered for the second time your career as lawyer; but how long did this last?

Until 12 of December, 1941, when I was released.

Then may I understand that you have been altogether for about ten years, eight years before and two years afterwards?

That is true.

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1 A They surrendered to Admiral Lord Mountbatten.

2 Q And were the Dutch Forces in the Nether-
3 lands East Indies or Dutch East Indies after that
4 always under the jurisdiction or command of Lord
5 Lewis Mountbatten?

6 MR. HYDE: Mr. President, I object to
7 that question on the grounds it is immaterial,
8 irrelevant, and beyond the scope of the witness'
9 statement.

10 THE PRESIDENT: Objection upheld.

11 MR. OKUYAMA: I am OKUYAMA, Hachiro,
12 counsel for the defendant, NAGANO, Osamu.

13 THE PRESIDENT: Mr. OKUYAMA.

14 CROSS-EXAMINATION (Continued)

15 BY MR. OKUYAMA:

16 Q You state in your statement that from the
17 beginning of 1939 you entered for the second time
18 upon your career as lawyer; but how long did this
19 period last?

20 A Until 12 of December, 1941, when I was
21 mobilized.

22 Q Then may I understand that you have been
23 a lawyer altogether for about ten years, eight
24 years before and two years afterwards?

25 A That is true.

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2 Q And were the Dutch Forces in the Nether-
3 lands East Indies or Dutch East Indies after that
4 always under the jurisdiction or command of Lord
5 Lewis Mountbatten?

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7 that question on the grounds it is immaterial,
8 irrelevant, and beyond the scope of the witness'
9 statement.

10 THE PRESIDENT: Objection uphold.

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12 counsel for the defendant, NAGANO, Osamu.

13 THE PRESIDENT: Mr. OKUYAMA.

14 CROSS-EXAMINATION (Continued)

15 BY MR. OKUYAMA:

16 Q You state in your statement that from the
17 beginning of 1939 you entered for the second time
18 upon your career as lawyer; but how long did this
19 period last?

20 A Until 12 of December, 1941, when I was
21 demobilized.

22 Q Then may I understand that you have been
23 a lawyer altogether for about ten years, eight
24 years before and two years afterwards?

25 A That is true.

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1 Q In those ten years, which kind of cases did
2 you take up more: civil cases or criminal cases?

3 A During that time I was primarily concerned
4 with civil cases, but later on I took up criminal
5 cases.

6 Q In your statement you say that you were
7 interned in several internment camps in Java.
8 How many different internment camps did you go
9 to?

10 A All together I was in eight different camps.

11 Q Where was the last camp in which you were
12 interned?

13 A In Bandoeng.

14 Q Where was the internment camp in which you
15 collected data and buried them in a can?

16 A That was in two different camps, in a place
17 called Tjimahi not far from Bandoeng.

18 Q What is the distance between those places?

19 A I believe about seventeen kilometers.

20 Q What kind of labor did you engage in while
21 you were interned?

22 A At the beginning, as I previously stated in
23 my statement, I was interpreter for the Malay papers --
24 translator for the Malay papers.
25

THE PRESIDENT: We will adjourn now until

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1 half-past nine tomorrow morning.

2 (Whereupon, at 1600, an adjournment
3 was taken until Tuesday, 10 December, 1946,
4 at 0930.)

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